IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	IITED STATES OF AMERICA)
	Plaintiff,) 8:09CR161)
	vs.) DETENTION ORDER
ED	WARD LOVEJOY,)
	Defendant.	}
A.	Order For Detention After waiving a detention hearing pursuant Act on April 28, 2009 (Filing No. 11), the detained pursuant to 18 U.S.C. § 3142(e) a	Court orders the above-named defendant
B.	conditions will reasonably assure the X By clear and convincing evidence that	
C.	U.S.C. § 111 carries a imprisonment; the use of II) in violation of 18 U.S. consecutive sentence of in serious bodily injury (0 and 113(a)(6) carries imprisonment; the poss (Count IV) carries a maximum (Count IV) carrie	and includes the following: the offense charged: a federal officer (Count I) in violation of 18 maximum sentence of twenty-five years a firearm during a crime of violence (Count C. § 924(c) carries a mandatory minimum ten years imprisonment; assault resulting Count III) in violation of 18 U.S.C. §§ 1153 a maximum sentence of ten years ession of a firearm by a convicted felon imum sentence of ten years imprisonment. If violence.
	may affect whet The defendant h X The defendant h The defendant is The defendant is The defendant h ties. Past conduct of The defendant h X The defendant h	of the defendant including: appears to have a mental condition which her the defendant will appear. has no family ties in the area. has no steady employment. Is not a long time resident of the community. does not have any significant community

DETENTION ORDER - Page 2

court proceedings. (b) At the time of the current arrest, the defendant was on: Probation Parole Release pending trial, sentence, appeal or completion of sentence. (c) Other Factors: The defendant is an illegal alien and is subject to deportation. The defendant is a legal alien and will be subject to deportation if convicted. The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other: X (4) The nature and seriousness of the danger posed by the defendant's release are as follows: The nature of the charges in the Indictment and the defendant's criminal and alcohol abuse history. X (5) Rebuttable Presumptions In determining that the defendant should be detained, the Court also relied on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) which the Court finds the defendant has not rebutted: X (a) That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves: X (1) A crime of violence; or
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X (1) A crime of violence; or
(2) An offense for which the maximum penalty is life
imprisonment or death; or
(3) A controlled substance violation which has a maximum
penalty of 10 years or more; or
(4) A felony after the defendant had been convicted of two
or more prior offenses described in (1) through (3)
above, <u>and</u> the defendant has a prior conviction for one
of the crimes mentioned in (1) through (3) above which
is less than five years old and which was committed while the defendant was on pretrial release.
X (b) That no condition or combination of conditions will reasonably
assure the appearance of the defendant as required and the safety
of the community because the Court finds that there is probable
cause to believe:
(1) That the defendant has committed a controlled
substance violation which has a maximum penalty of
10 years or more.
X (2) That the defendant has committed an offense under 18
U.S.C. § 924(c) (uses or carries a firearm during and in
relation to any crime of violence, including a crime of
violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous
weapon or device).

DETENTION ORDER - Page 3

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: April 29, 2009. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge